

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

PAUL KURLANSKY, HELAINE KURLANSKY,
MARTIN EPSTEIN, HERBERT ENNIS, JUDITH
ENNIS, MORDECAI APPLETON, HENRY KATZ,
LILA KATZ, JOAN KATZ, GLENN KATZ, and
JUDITH SINGER,

Plaintiffs,

-against-

1530 OWNERS CORP.; MOE MARSHALL,
ELLEN GERBER, KENNETH LIPKE, CAROL
LICHTBRAUN, JUSTIN WIMPFHEIMER,
PATRICIA DI CONSTANZO, and MARK
O'NEILL, Individually and as Members of the Board
of Directors of 1530 Owners Corp., and;
FIRSTSERVICE RESIDENTIAL,
Defendants.

**DECLARATION OF JUDITH SINGER PURSUANT TO 28 U.S.C. § 1746
IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

I, Judith Singer, hereby declare under penalty of perjury:

1. I am a plaintiff in the above-captioned proceeding and I am a resident of the Colony in Fort Lee, New Jersey, where I have lived since 2004. I reside in the Colony's North Tower in apartment 9B. I am familiar with the fact that the Colony's service elevators are equipped with a Sabbath mode that allows the elevators to be pre-programmed to stop at certain floors, obviating the need for any button pushing. As described below, this is a critical feature for observant Jews who observe the Sabbath. A majority of the Colony's shareholders approved the Sabbath elevator program on May 19, 2019, but the Colony's board of directors has subsequently terminated the program. During the period of time in which the Sabbath elevator was operational, I used it weekly. I am also familiar with the Colony's longstanding practice of, in the absence of a Sabbath Elevator, assisting observant Jewish residents with the elevators on

the Sabbath and certain Jewish holidays by pressing buttons for the residents—a service that I (and my now late husband) likewise utilized, but which has now also been scuttled. As such, I am familiar with the facts and circumstances set forth herein. I submit this Declaration in support of Plaintiffs’ Application for Preliminary Injunction.

2. As an observant Jew, my religious beliefs are informed by thousands of years of Jewish tradition. Part of my strongly-held religious beliefs is the primacy of *halakha*, or the Jewish legal system, which establishes a framework for my entire life. A second core element of my beliefs is *kehillah*, or community, and the importance of joining together with members of my community to pray, study, and worship, to mourn at sad times and to celebrate in times of joy.

3. A core part of my adherence to Jewish law is my observance of the Sabbath, the Jewish day of rest, which spans from Friday evening until Saturday night. On the Sabbath, and certain Jewish holidays, many observant Jews refrain from certain activities, including the use of electronic and certain mechanical devices. For example, many observant Jews, including myself, do not press elevator buttons on the Sabbath and certain Jewish holidays. Doing so would violate my sincerely held religious beliefs.

4. I am 92 years old and suffer from various medical conditions that make me unable to use the stairs. Until the Sabbath elevator began to operate, I (and my late husband) relied on the building staff to push the elevator buttons on the Sabbath. We were always assisted in going up to our apartment from the lower level floor, and also going down from our floor, by any number of staff in the vicinity. This provided us with greater flexibility and dignity in observing the Sabbath. The Sabbath elevator program, when it was in place, was even better: all I needed to

do was wait by the elevator until it came to my floor and then I could come and go as I pleased. I regularly used the Sabbath elevator, and it greatly enhanced my observance of the Sabbath.

5. After the Board terminated the program, I have contributed to the cost of hiring someone to assist pushing the elevator buttons. But this is not a suitable replacement for either the Sabbath elevator program or the prior staff assistance. I must always leave and return at the specific, pre-arranged time to make use of the hired assistant to go back up to my apartment. There is no ability to have guests over to visit, have meals with other building residents who live on different floors, or go to other synagogue or communal events that take place at times other than those designated for prayer services.

6. If a functional Sabbath elevator were restored, I would be able to once again attend synagogue at the time of my choosing. I would also be able to return to enjoying a host of other activities with friends on the Sabbath. Yet without a Sabbath elevator, I cannot join in the company of friends and other community members, which has negatively impacted my sense of community and camaraderie.

7. I, therefore, respectfully request that this Court grant Plaintiffs' application for a preliminary injunction.

8. I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 18 2021.


JUDITH SINGER